THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 6609 OF 2006

Date: 04.04.2006

Between:

Shaik Ghouse Johny.

… Petitioner

and

1. Managing Director, A.P. State Co-op. Rural Irrigation, HACA, Bhavan, 1st Floor, Opp: Public Gardens, Hyderabad and two others.

… Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 6609 OF 2006

ORDER:

The order, transferring the petitioner from Vizianagaram to Sangareddy, is questioned in this writ petition as amounting to overreaching the orders of this Court in W.P.M.P.No. 6242 of 2006 in W.P.No. 4907 of 2006 dated 17.03.2006 wherein this Court passed an interim order as under:

> "There shall be interim direction to the respondents to pay the current salaries to the petitioners, regularly. Further, the arrears of salaries shall be cleared within a period of three months from today."

2. The 1st respondent, by proceedings dated 27.03.2006, while taking note of the fact that there were no funds with its Vizianagaram sub-division for payment of either arrears or current salaries to the petitioner regularly, transferred the petitioner and posted him at Sangareddy sub-division with a view to comply with the interim directions of this Court. Since the very order of transfer dated 27.03.2006 whereby the petitioner was transferred from Vizianagaram to Sangareddy, was issued only to comply with the interim orders of this Court and for payment of the petitioner's current salary and for clearance of his arrears of salary within three months, it cannot be said that the order transferring the petitioner was passed only to circumvent the orders of this Court.

3. Sri P.R. Balaramareddy, learned Standing Counsel for the

respondent corporation would reiterate that the respondents have no intention whatsoever of circumventing the orders of this Court and, in fact, the impugned orders of transfer have been passed only to comply with the orders of this Court. Learned Standing Counsel would submit that, among the 15 divisions of the respondent corporation, seven divisions do not have any work and are facing acute financial difficulties even to make payment of salaries and that one among these sub-divisions is the Vizianagaram sub-division. According to the learned Standing Counsel, the other eight sub-divisions have enough work and are in a position to pay salaries to their employees and with a view to extract work from the petitioners and to pay them salaries, in compliance with the orders of this Court, the petitioners were so transferred to Sangareddy. The apprehension of the petitioner with regards his orders of transfer being a ruse not to comply with the orders of this Court, is without basis. Since it is well settled that transfer is an incident of service, no interference is called for with regards the order of transfer.

4. The writ petition is accordingly dismissed.

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RAMESH RANGANATHAN, J

Date: 04.04.2006
MRKR